



FEDERAL ELECTION COMMISSION

Washington, DC 20463

December 8, 1998

Elections Committee of the County of Orange
Tamara Jean McIntyre, Treasurer
1700 E. Garry Street
Suite 108
Santa Ana, CA 92705

RE: MUR 4866

Dear Ms. McIntyre:

On December 1, 1998, the Federal Election Commission found that there is reason to believe the Elections Committee of the County of Orange ("Committee") and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of your receipt of this letter. Where appropriate, statements should be submitted under oath. In the absence of additional information, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

In order to expedite the resolution of this matter, the Commission has also decided to offer to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe. Enclosed is a conciliation agreement that the Commission has approved.

If you are interested in expediting the resolution of this matter by pursuing preprobable cause conciliation, and if you agree with the provisions of the enclosed agreement, please sign and return the agreement, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Lisa A. Davis, the staff member assigned to this matter, at (202) 694-1650.

Sincerely,



Scott E. Thomas
Acting Chairman

Enclosures

Factual and Legal Analysis
Procedures
Designation of Counsel Form
Conciliation Agreement

FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Elections Committee of the County of Orange MUR: 4866
Tamara Jean McIntyre, as Treasurer

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. *See* 2 U.S.C. § 437g(a)(2).

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that all political committees other than authorized committees of a candidate shall file quarterly reports in a calendar year in which a regularly scheduled general election is held, which shall be filed no later than the 15th day after the last day of each calendar quarter: except that the report for the quarter ending on December 31 of such calendar year shall be filed no later than January 31 of the following calendar year. 2 U.S.C. § 434(a)(4)(A)(i).

The Elections Committee of the County of Orange ("the Committee") is a political committee that is not an authorized committee of a candidate. Tamara Jean McIntyre is the treasurer of the Elections Committee of the County of Orange.

Respondents failed to timely file the 1998 April Quarterly Report of Receipts and Disbursements covering the period from January 1, 1998 to March 31, 1998. Respondents were required to file the April Quarterly report no later than April 15, 1998. The 1998 April Quarterly Report, which disclosed \$3,617.00 in receipts and \$10,062.00 in disbursements, was not filed until July 17, 1998, 93 days late.

The Reports Analysis Division ("RAD") notified the Committee of the filing dates for the April Quarterly report on two separate occasions by Prior Notices. The Prior Notices were mailed, respectively, to the Committee on December 29, 1997 and March 20, 1998. Both Prior Notices informed the Committee that the 1998 April Quarterly Report was due on April 15, 1998. A Non-filer Notice was sent to the Committee *via* mailgram on May 7, 1998. The Reports Analysis Division ("RAD") analyst attempted to contact the Committee, on June 1, 1998, but was only able to leave a message on the answering machine. The analyst identified himself and advised the Committee that an April Quarterly Report must be filed as soon as possible. On June 17, 1998, Mr. Jeff LeTourneau, Co-Chairman of the Committee, returned the phone call/message left on the answering machine. He apologized for not filing the April Quarterly Report on time and said he would "get together with the treasurer and get the report in as soon as he could." The Committee filed the 1998 April Quarterly Report on July 17, 1998, *via* certified/registered mail.

Therefore, there is reason to believe the Elections Committee of the County of Orange and Tamara Jean McIntyre, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i).